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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**

6 IN RE COMPLIANCE
7 WITH RCW 42.17

) PDC CASE NO.: 03-049

8 DAVID ELTON

) **FINAL ORDER IMPOSING FINE**

9
10 Respondent.
_____)

11 **INTRODUCTION**

12 The Washington State Public Disclosure Commission (Commission) conducted an
13 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
14 October 29, 2002, with respect to the above-encaptioned matter. The Commission held the
15 hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia,
16 Washington. The Respondent appeared at the hearing by telephone. The Staff appeared
17 through Phil Stutzman, Director of Compliance. The Commission held the hearing to
18 determine whether the Respondent violated RCW 42.17.240 by failing to file a Personal
19 Financial Affairs Statement (PDC form F-1) within two weeks of becoming a candidate in
20 the 2002 election.
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22 During the hearing, the Staff presented, for the Commission's consideration, the
23 following documents:
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- 25 1. Brief Enforcement Hearing Notice issued October 18, 2002, which alleged a
26 violation of RCW 42.17.240;

2. A copy of the order entered October 11, 2002 following a brief enforcement hearing held October 10, 2002;
3. A cover letter sent to the Respondent with the order stating that if the \$100 non suspended portion of the \$150 penalty assessed at the brief enforcement hearing was not paid, and the missing F-1 report filed, both by October 17, 2002, the brief hearing order would be rescinded and the matter would be heard by the full Commission on October 29, 2002;
4. A memo to file prepared by Phil Stutzman, Director of Compliance, summarizing telephone conversations between Mr. Stutzman and David Elton on October 2 and October 3, 2002;
5. A copy of the Candidate Registration (PDC form C-1) filed by the Respondent on June 11, 2002 with the Spokane County Elections Department;
6. A copy of the brief enforcement hearing notice sent to the Respondent dated September 18, 2002;
7. A copy of a reminder letter sent to the Respondent dated August 29, 2002;
8. A copy of the Declaration of Candidacy signed by the Respondent on August 9, 2002;
9. A copy of a letter dated October 18, 2002, from Susan Brady, Vice Chair of the Commission and the Presiding Officer of the brief enforcement hearing held October 10, 2002 for the Respondent, rescinding the order in Case No. 03-049 that was entered October 11, 2002.

The Commission heard testimony from the Phil Stutzman, Director of Compliance, and from the Respondent, and then considered closing arguments from PDC staff.

1 Based on this record, the Commission finds that:

- 2 1. RCW 42.17.240 requires candidates for elective office in jurisdictions of over 1,000
3 registered voters as of the last general election to file a Personal Financial Affairs
4 Statement within two weeks of becoming a candidate.
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- 6 2. The Respondent was a candidate for City Council in the in the 2002 election for City
7 Council in the City of Spokane Valley and appeared on the September 17, 2002 primary
8 election ballot.
- 9 3. The Respondent was required to file a Personal Financial Affairs Statement, PDC form
10 F-1, within two weeks of becoming a candidate, or no later than June 25, 2002, which
11 was two weeks after he filed a Candidate Registration, PDC Form C-1, with the
12 Spokane County Elections Department.
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- 14 4. The Respondent lost in the primary election.
- 15 5. PDC staff presented evidence that the Respondent stated that he did not want to file the
16 F-1 report because he did not want to disclose information about some of his business
17 clients who are candidates in the November 5, 2002 election.
- 18 6. The Respondent stated that he would be willing to file the F-1 report after the
19 November 5, 2002 election.
20
- 21 7. The Personal Financial Affairs Statement was not filed.

22 **ORDER**

23 Based on the record submitted in this matter, the Commission orders as follows:

- 24 1. The Respondent violated RCW 42.17.240 by failing to file a Personal Financial Affairs
25 Statement within two weeks of becoming a candidate in the 2002 election.
- 26 2. That a total civil penalty of \$1,000 is assessed against the Respondent.

RECONSIDERATION

Any party may ask the Commission to reconsider this final order. Parties must place their requests for reconsideration in writing, include the specific grounds or reasons for the request, and deliver the request to the Public Disclosure Commission Office within TEN (10) days of the date that the Commission serves this order upon the party. Pursuant to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) days from the date the petition is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court.

APPEAL RIGHTS

Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedures Act, chapter 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston County or the petitioner's county of residence or principal place of business. The petition for judicial review must be served on the Public Disclosure Commission and any other parties within 30 days of the date that the Public Disclosure Commission serves this final order on the parties.

If reconsideration is properly sought, the petition for judicial review must be served on the Public Disclosure Commission and any other parties within thirty (30) days after the Commission acts on the petition for reconsideration. The Commission will seek to enforce this final order in superior court under RCW 42.17.395-397, and recover legal costs and

1 attorney's fees, if the penalty remains unpaid and no petition for judicial review has been
2 filed under chapter 34.05 RCW. This action will be taken without further order by the
3 Commission.
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6 DATED THIS 7th day of November, 2002.

7 FOR THE COMMISSION:

8 /s/
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11 VICKI RIPPIE, Executive Director
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